

subsequent sentence noted by the Examiner indicates the *magnitude of the difference* between $FSR_{ChanSel}$ and $FSR_{GridGen}$. In other words, the referenced sentence describes an approximation of the ΔFSR (difference between the two free spectral ranges). The statement in the sentence at p. 16 lines 7-8 is entirely consistent with equation 1B.

For example, if M the total number of channels, e.g. 100 channels, then the fraction “ $M/(M\pm 1)$ ” in equation 1B would equal either $100/99 = 1.0101$, or $100/101 = .990099$. This corresponds to a difference in FSR (difference between $FSR_{ChanSel}$ and $FSR_{GridGen}$) of 0.0101 or .009901. The difference in FSR of $1/M$ noted at p. 16 lines 7-8 would then be $1/M = 0.0100$, which is consistent with the relationship of Equation 1B. Accordingly, the Applicant believes that Equation 1B on p. 16 is consistent with the subsequent sentence at lines 7-8.

2. Claim Objections

Claim 84 was objected to as improper for being dependent upon a canceled claim. Claim 84 has been canceled.

3. Claim Rejections Under 35 USC §102

Claims 59-61, 63, 65-70, 72, 74-83 and 86-87 were rejected under 35 USC §102(e) as being anticipated by Sesko et al. Claims 59-61, 63, 65-70, 72, 74-83 and 86-87 have been canceled, and new claims 88- 101 are submitted herewith. The Applicant believes that new claims 88-101 more clearly recite the features of Applicant's invention and believes that new claims 88-101 are patentable over the prior art.

3. Claim Rejections Under 35 USC §103

The Examiner rejected claims 62, 64, 71, 73, 85 and 88 as being unpatentable over Sesko et al. Claims 62, 64, 71, 73, 85 and 88 have been canceled, and new claims 88-101 have been submitted herewith as noted above. The Applicant respectfully believes that new claims 88-101 are patentably distinct from Sesko et al.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE.**"

The Applicant respectfully request reconsideration of the application in view of the remarks made herein.

III. CONCLUSION

The Applicant respectfully submits that all of the claims pending are patentably distinct from the prior art of record and are allowable. If the Examiner finds that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number NUFO021.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: 05/03/02

By: 

Robert C. Hall
Registration No. 39,209

BOZICEVIC, FIELD & FRANCIS LLP
200 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: (650) 327-3400 Facsimile: (650) 327-3231



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Please cancel Claims 59-87 without prejudice.

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